

Exhibit 1 to Exhibit B of Joint Letter of May 9, 2018,
Defendant's Position on Independent Creation Witnesses,
Paragraph 4 b.

From: [Michael Gilman](#)
To: [Brezina, David](#)
Subject: RE: Shankar and Anusha
Date: Monday, November 28, 2016 5:22:17 PM

David,

This email should continue to work for at least the near future. As soon as I know my new email address , I'll let you know.

As to Shankar/Anusha, I want to again say that if Seventh Avenue agrees not to try to bring a Shankar or Anusha representative to trial or into a summary judgment in person or via affidavit or declaration, then plaintiff does not need to disturb Shankar or Anusha. Otherwise, we anticipate the efforts being something along the lines of what you suggested - a depo by video conference with a prior request for whatever "creation documents" they claim to have. Plaintiff would agree to split the cost of this depo. We would agree to work with you and Seventh Avenue in approaching Shankar and Anusha: i.e., maybe a joint letter from counsel. It may also be that Anusha is not needed, if Seventh Avenue agrees Anusha had nothing to do with creation of the accused design.

As I've said, plaintiff's concern is to avoid being surprised at trial/sj with new documents and or testimony from Shankar or Anusha relating to creation of the accused design. So, plaintiff is fine with an agreement as to no surprises, or the above joint efforts to gain docs and testimony.

Sincerely,

Mike Gilman
Myers Wolin, LLC, 100 Headquarters Plaza, North Tower, 6th Fl, Morristown, NJ 07960
mobile: 201.522.9050

Admitted NY and CT Only

Sent from my Sprint Samsung Galaxy S7 edge.

----- Original message -----

From: "Brezina, David" <DBrezina@adas.net>
Date: 11/28/16 4:30 PM (GMT-05:00)
To: Michael Gilman <michael.gilman@myerswolin.com>
Subject: RE: Shankar and Anusha

Hi Mike:

We can see what we can do to encourage Shankar to cooperate.
As far as "joint effort" you and I discussed a wide ranging number of possibilities.
Since it is clear that Seventh Avenue didn't even design the accused graphics, they would need to know more about what "efforts" you have in mind.
How is the longevity of this email address for you coming along?

Dave

From: Michael Gilman [mailto:michael.gilman@myerswolin.com]
Sent: Monday, November 28, 2016 11:04 AM
To: Brezina, David <DBrezina@ladas.net>
Subject: Shankar and Anusha

David,

What did your client say about a joint effort to depos Shankar and Anusha?

Sincerely,

Mike Gilman
Myers Wolin, LLC, 100 Headquarters Plaza, North Tower, 6th Fl, Morristown, NJ 07960
mobile: 201.522.9050

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